

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-EIGHTH LEGISLATURE

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**FORTIETH LEGISLATIVE DAY**  
**FRIDAY, FEBRUARY 17, 2006**

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Fulcher, Jorgenson, and Little, absent and formally excused by the Chair; and Senators Darrington and Malepeai, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Mickenzie Stuart, Page.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senator Darrington was recorded present at this order of business.

February 17, 2006

The JUDICIARY AND RULES Committee reports that **S 1405** and **SCR 123** have been correctly printed.

DARRINGTON, Chairman

**S 1405** was referred to the Transportation Committee.

**SCR 123** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 16, 2006

The AGRICULTURAL AFFAIRS Committee reports out **H 453** with the recommendation that it do pass.

WILLIAMS, Chairman

**H 453** was filed for second reading.

February 16, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1371**, **S 1362**, and **S 1375** with the recommendation that they do pass.

ANDREASON, Chairman

**S 1371**, **S 1362**, and **S 1375** were filed for second reading.

February 16, 2006

The TRANSPORTATION Committee reports out **S 1347**, **H 462**, and **H 464** with the recommendation that they do pass.

BRANDT, Chairman

**S 1347**, **H 462**, and **H 464** were filed for second reading.

February 16, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **S 1383** with the recommendation that it do pass.

BUNDERSON, Chairman

**S 1383** was filed for second reading.

February 16, 2006

The HEALTH AND WELFARE Committee reports out **S 1389** with the recommendation that it do pass.

COMPTON, Chairman

**S 1389** was filed for second reading.

February 16, 2006

The HEALTH AND WELFARE Committee reports out **S 1390** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

COMPTON, Chairman

There being no objection, **S 1390** was referred to the Fourteenth Order of Business, General Calendar.

February 16, 2006

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Janet Penfold to the State Board of Health and Welfare, term to expire January 1, 2009.

COMPTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

**Messages from the Governor**

February 16, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Scott Farr of Challis, Idaho, was appointed as a member of the Idaho Outfitters and Guides Licensing Board to serve a term commencing January 31, 2006, and expiring April 20, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

February 16, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Dwight Horsch of Aberdeen, Idaho, was appointed as a member of the State Soil Conservation Commission to serve a term commencing February 3, 2006, and expiring July 1, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Agricultural Affairs Committee.

February 16, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Richelle Sugiyama of Boise, Idaho, was appointed as a member of the Idaho Endowment Fund Investment Board to serve a term commencing February 8, 2006, and expiring April 11, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

The Senate advanced to the Ninth Order of Business

**Messages from the House**

February 16, 2006

Mr. President:

I transmit herewith **H 535**, **H 536**, and **H 534**, as amended, which have passed the House.

JUKER, Chief Clerk

**H 535**, **H 536**, and **H 534**, as amended, were filed for first reading.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

Senators Little and Malepeai were recorded present at this order of business.

On request by Senator Werk, granted by unanimous consent, **SCR 121** was referred to the State Affairs Committee.

The President announced that **SJM 118** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Gannon, seconded by Senator Stennett, **SJM 118** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials**

**H 535**, **H 536**, and **H 534**, as amended, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1337**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**H 436**, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

**S 1319** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Fulcher, Jorgenson. Total - 2.

Total - 35.

Whereupon the President declared **S 1319** passed, title was approved, and the bill ordered transmitted to the House.

**S 1320** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Hill, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 29.

NAYS--Burkett, Keough, Stennett. Total - 3.

Absent and excused--Fulcher, Goedde, Jorgenson. Total - 3.

Total - 35.

Whereupon the President declared **S 1320** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **S 1321** retained its place on the Third Reading Calendar for one legislative day.

**S 1322** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Fulcher, Jorgenson. Total - 2.

Total - 35.

Whereupon the President declared **S 1322** passed, title was approved, and the bill ordered transmitted to the House.

**S 1323** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Fulcher, Jorgenson. Total - 2.

Total - 35.

Whereupon the President declared **S 1323** passed, title was approved, and the bill ordered transmitted to the House.

**S 1324** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Fulcher, Jorgenson. Total - 2.

Total - 35.

Whereupon the President declared **S 1324** passed, title was approved, and the bill ordered transmitted to the House.

**S 1326** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Fulcher, Jorgenson. Total - 2.

Total - 35.

Whereupon the President declared **S 1326** passed, title was approved, and the bill ordered transmitted to the House.

**S 1328** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Fulcher, Jorgenson. Total - 2.

Total - 35.

Whereupon the President declared **S 1328** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

### General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

### Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1300**, **S 1314**, **S 1340**, and **S 1354**, without recommendation, amended as follows:

#### SENATE AMENDMENT TO S 1300

##### AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 22, following "tion" insert: "including any violation of the duty to register as provided in this chapter and offenders who are recidivists as defined in this chapter".

#### SENATE AMENDMENT TO S 1314

##### AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 11, delete "five" and insert: "five six".

#### SENATE AMENDMENT TO S 1340

##### AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 1, delete "master level health professional" and insert: "individual who has a master's degree in psychology".

#### CORRECTIONS TO TITLE

On page 1, in line 3, delete "A MASTER LEVEL HEALTH PROFESSIONAL" and insert: "AN INDIVIDUAL WITH A MASTER'S DEGREE IN PSYCHOLOGY".

#### SENATE AMENDMENT TO S 1354

##### AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 13, delete "facsimile, or electronically" and insert: "facsimile transmission, or by electronic mail".

The Committee also has **S 1246**, **S 1266**, **S 1350**, and **S 1390** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Burkett, the report was adopted by voice vote.

**S 1300**, as amended, **S 1314**, as amended, **S 1340**, as amended, and **S 1354**, as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Burkett, by voice vote the Senate adjourned at 12 noon until the hour of 11 a.m., Monday, February 20, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary